

**ORDINANCE NO. 5
SERIES 2001**

AN ORDINANCE VACATING THAT PORTION OF EVANS AVENUE LYING BETWEEN THE SOUTHERN BOUNDARY OF LOT 12, BLOCK 134, AND THE NORTHERN BOUNDARY OF LOT 1, BLOCK 133, ALL ACCORDING TO THE OFFICIAL AMENDED PLAT OF THE TOWN OF WEST GUNNISON, CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO; RESERVING A THIRTY FOOT WIDE EASEMENT THEREIN.

WHEREAS, the applicant, Douglas A. Wilson, submitted an application for vacating public property dated April 17, 2001, requesting the City of Gunnison to vacate that portion of Evans Avenue located between the southern boundary of Lot 12, Block 134, and the northern boundary of Lot 1, Block 133, all according to the official amended plat of West Gunnison, City of Gunnison; and

WHEREAS, the subject street has never been developed, never been used as a public thoroughfare, and has never been opened for public use; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, held a public hearing upon the proposed vacation on June 20, 2001, and has made a recommendation to the City Council that the City Council proceed with the requested street vacation, while reserving an easement therein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

Section 1. Findings of Fact. Based upon the application for street vacation, the supporting materials submitted therewith, and the evidence adduced at the public hearing conducted by the Planning Commission of the City of Gunnison, the City Council hereby finds as follows:

a. That the applicant, Douglas A. Wilson, is the owner of Lot 12, Block 134, according to the official amended plat of West Gunnison, and Robert Gydeson is the owner of Lot 1, Block 133, according to the official amended plat of West Gunnison, the property which is adjacent to the street requested to be vacated.

b. That Mr. Gydeson appeared at the public hearing and supported the requested street vacation.

c. That no properties, other than those of the applicant and Robert Gydeson, would be denied access by the proposed street vacation.

d. That the Building Official, Fire Marshal, and Chief of Police have no objection to the proposed alley vacation.

e. That no public comment was received at the public hearing in opposition to the requested street vacation.

f. That the proposed vacation does not conflict with the 2000 City of Gunnison Transportation Master Plan.

g. That portions of Evans Avenue between Blocks 133 and 134, according to the official amended plat of West Gunnison, City of Gunnison, have previously been vacated.

h. That the Department of Public Works has requested that an easement for the installation and maintenance of utilities and for vehicular access for the purpose of refuse removal be reserved.

Section 2. Vacation. The street which is vacated by this ordinance is that portion of Evans Avenue lying between the southern boundary of Lot 12, Block 134, and the northern boundary of Lot 1, Block 133, all according to the official amended plat of West Gunnison, City of Gunnison, County of Gunnison, State of Colorado.

Section 3. Reservation of Easement. There is hereby reserved from the above vacation an easement, being thirty feet in width, fifteen feet on each side of the centerline of that portion of Evans Avenue being vacated herein, to the City of Gunnison for the purpose of installation and maintenance of all utilities, and for vehicular access for the purpose of refuse removal.

Section 4. Title. The title to such vacated street shall vest in accordance with the provisions of C.R.S. 43-2-302.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 28th day of August, 2001, on first reading, and introduced, read, and adopted on second and final reading this 17th day of September, 2001.

Mayor

ATTEST:

City Clerk